

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RHONDA MCGOWAN, ET AL.,

Plaintiffs,

No. 16-13216

v.

District Judge Terrence G. Berg  
Magistrate Judge R. Steven Whalen

KROGER CO. MICHIGAN 709,

Defendant.

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**ORDER**

On January 30, 2018, Plaintiffs filed a motion for sanctions under Fed.R.Civ.P. 11 [Doc. #93]. Plaintiffs state that “[i]n support of its motion, Plaintiffs rely on the facts and law set forth more fully in the accompanying brief.” However, Plaintiffs did not file an accompanying brief, so the Court has no idea what they claim as a basis for their request for sanctions.

In addition, Plaintiffs did not comply with the “safe harbor” provision of Rule 11. Rule 11(c)(2) sets forth a “safe harbor” provision that requires that a motion for sanctions not be filed until 21 days after service. “A party seeking Rule 11 sanctions must satisfy the procedural requirements of [Rule 11(c)(2)], commonly known as the ‘safe harbor’ provision. This is an ‘absolute requirement.’” *Mabbitt v. Midwestern Audit Service, Inc.* 2008 WL 1840620, \*1 (E.D.Mich. 2008) (Edmunds, J.), citing *Ridder v. City of Springfield*, 109 F.3d 288, 296 (6th Cir.1997).

Because Plaintiffs’ motion [Doc. #93] is both procedurally and substantively deficient, it is DENIED.

IT IS SO ORDERED.

Dated: September 12, 2018

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE  
JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify on September 12, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on September 12, 2018.

s/Carolyn M. Ciesla  
Case Manager for the  
Honorable R. Steven Whalen